

## REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-2 and 4 are pending and under consideration.

### I. Rejection under 35 U.S.C. § 112

In the Office Action, at page 2, claims 1-2 and 4 were rejected under the first paragraph of 35 USC § 112 as adding new matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner takes the position that the claim language “the second upper edge of the distribution gutter ... said recessed part” is new matter that has no support in the original specification. This rejection is respectfully traversed.

As stated in the previous response, in the context of claim 1, the terms “first upper” and “second upper” are used in conjunction with the claimed “distribution gutter” to distinguish between the claimed “first upper end edge of said distribution gutter” and the claimed “second upper end edge of the distribution gutter”. As such, the terms “first upper” and “second upper” are merely relative terms used for distinguishing between the two opposing upper end edges of the claimed “distribution gutter”. These terms are not terms of art and, therefore, do not constitute new matter.

Furthermore, the original specification clearly provides support for the language “the second upper edge of the distribution gutter includes a recessed part that is formed in a part of the second upper edge that is substantially immediately underneath said hulling section” of claim 1. The Examiner’s attention is drawn to the fourth full paragraph of page 10 of the specification, where it states that “in the central part of the vertical face 40, as shown in Figure 4, a rectangular recessed part 54 is formed in association with the shape of a overflowing rice control plate 33 to be described afterwards” (emphasis added). As can be seen in Fig. 4, the overflow side upper edge 47 (the claimed “second upper edge”) of the distribution gutter 35 includes a recessed part 54 that is substantially immediately underneath the hulling section 10. Therefore, it is submitted that one skilled in the relevant art would appreciate that the inventor, at the time the application was filed, had possession of the claimed invention.

Also, the original specification clearly provides support for the language “an overflowing rice control plate is disposed in a position corresponding to the recessed part so as to be

shiftable between a state in which said recessed part is blocked and a state in which said recessed part is opened, thereby controlling the quantity of hulled rice overflowing the distribution gutter through said recessed part” of claim 1. The Examiner’s attention is drawn to the first full paragraph of page 11 of the specification, where it states that “the overflowing rice control plate 33 configured of a smooth plate is fitted to the center shaft 52 constituting a part of this double shaft structure 36 as shown in Figure 3” and “when the overflowing rice control plate 33 is brought closer to the distribution gutter 35 by manually turning this handle 44 to rotate the center shaft 52, the overflowing rice control plate 33 controls the hulled rice in the distribution gutter 35 against overflowing the recessed part 54 outward by covering the recessed apart 54 in the distribution gutter 35 (the vertical face 40)” (emphasis added). As can be seen in Fig. 3, the overflowing rice control plate is configured to move into the previously-discussed recessed portion 54 in order to control an amount of hulled rice that overflows the distribution gutter 35 through the recessed part 54. Therefore, it is submitted that one skilled in the relevant art would appreciate that the inventor, at the time the application was filed, had possession of the claimed invention.

Accordingly, withdrawal of the § 112 rejection of claim 1 is respectfully requested.

Claims 2 and 4 depend from claim 1. Accordingly, withdrawal of these § 112 rejections is respectfully requested.

## **II. Double Patenting Rejection**

In the Office Action, at pages 2-3, claims 1-2 and 4 were rejected on the ground of nonstatutory obviousness-type double patenting over the claims of U.S. Patent No. 7,296,511. This rejection is respectfully traversed.

Independent claim 1 recites:

a distribution gutter configured to receive hulled rice falling from said hulling section and in which a plurality of hulled rice falling-through holes are formed;

a downflow gutter that is linked to a first upper end edge of said distribution gutter and guides hulled rice from said hulling section to a substantially central part of the distribution gutter in the lengthwise direction;

a screw that is disposed inside said distribution gutter and conveys hulled rice having flowed into the distribution gutter in the lengthwise direction of the distribution gutter; and

a falling rice control plate configured to block and open at least some of said hulled rice falling-through holes formed in said distribution gutter, wherein

a part of the hulled rice that failed to fall through said hulled rice falling-through holes, out of the hulled rice that has flowed into said distribution gutter, in the process of being conveyed by said screw, is caused to overflow a second upper end edge of the distribution gutter on the side opposite the first upper end edge linked to said downflow gutter, and

the second upper edge of the distribution gutter includes a recessed part that is formed in a part of the second upper edge that is substantially immediately underneath said hulling section, and an overflowing rice control plate is disposed in a position corresponding to the recessed part so as to be shiftable between a state in which said recessed part is blocked and a state in which said recessed part is opened, thereby controlling the quantity of hulled rice overflowing the distribution gutter through said recessed part

In contrast to claim 1, the claims of U.S. Patent No. 7,296,511 are directed to a rice huller that includes a first small-diameter pulley and a second large-diameter pulley that are attached to a first roll shaft and a first large-diameter pulley and a second small-diameter pulley that are attached to a second roll shaft, thus making it possible to switch between two driving states. Claim 1 makes no mention of a pulley and shaft system or driving a rice huller in one of two states. Furthermore, the claims of U.S. Patent No. 7,296,511 make no mention of a gutter distribution system, as recited in independent claim 1. Claims 2 and 4 depend either directly or indirectly from claim 1. Accordingly, withdrawal of the nonstatutory obviousness-type double patenting rejection is respectfully requested.

## **CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

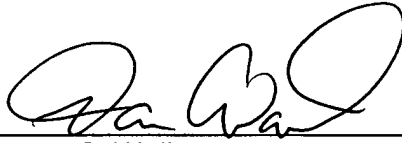
Serial No. 10/591,902

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 2-20-09

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